

Notice of Allowability

Application No.

09/245,101

Examiner

William Bangachon

Applicant(s)

KRAML, MARK H.

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Appeal Brief filed 7/1/2004.
2. ☒ The allowed claim(s) is/are 1-7,9-17,19-34,36-44 and 46-57.
3. ☒ The drawings filed on 1/21/99 & 1/28/03 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Appeal Brief

1. In view of Applicant's appeal brief, the rejection of the last Office action is considered moot and, therefore, the finality of that action is withdrawn.

Drawings

2. The objection to the drawings under 37 CFR 1.83(a) is withdrawn. See interview summary, 4/15/2004.

Specification

3. The objection to the specification as failing to provide proper antecedent basis for the claimed subject matter is withdrawn.

Claim Rejections - 35 USC § 112

4. The rejection of claims 1-7,9-17,19-34,36-44 and 46-57 under 35 U.S.C. 112, first paragraph, is withdrawn.

Claim Rejections - 35 USC § 102

5. The rejection of claims 1-7,9-17,19-34,36-44 and 46-57 under 35 U.S.C. 103(a), is withdrawn.

Allowable Subject Matter

6. Claims 1-7,9-17,19-34,36-44 and 46-57 are allowed.

NOTE: Claims renumbered 1-53.

7. The following is an examiner's statement of reasons for allowance:

The prior art made of record {USP 5,608,655 (Moughanni et al), USP 4,214,229 (Warner), USP 6,075,863 (Krishnan et al), USP 5,588,038 (Snyder)}, either singly or in combination, does not disclose "a system for operation of a remotely located computer-controlled device comprising; receiver means for receiving at least one paging messages, said receiver means being co-located with said remotely located computer-controlled device, and **means for sending at least one specific command to said remotely located computer-controlled device, each specific command, which causes said remotely located computer-controlled device to perform at least two actions, determined as a result of the comparing of the content data, that includes a program, of each said at least one paging message to the set of allowed commands, wherein one of said at least one specific command sent to said remotely located computer-controlled device includes the program**", as claimed in independent claim 1. Independent claim 28 recites a method for practicing the system of claim 1 and independent claim 55 recites the allowable limitations of claim 1 and, therefore, allowable for the same reasons. Claims 2-7, 9-17, 19-27 are

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dependent on claim 1. Claims 29-34, 36-44, 46-54, are dependent on claim 28, and claim 56 is dependent on claim 55, therefore, allowable for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Examiner Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bangachon whose telephone number is 571-272-3065. The examiner can normally be reached on 4/4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9314 for regular and After Final formal communications. The examiner's fax number is 571-273-3065 for informal communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

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William L Bangachon
Examiner
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September 30, 2004

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read "Michael Horabik", written over the printed name and title.